



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

329

CRM-M-2736-2025

Date of decision: 16.07.2025

SANJAY BHATI AND ORS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr.N.S. Mahal, Advocate for the petitioners.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Mr. Pradeep Duhan, Advocate for respondent No.2.

SANJAY VASHISTH. J.(Oral)

1. Instant petition has been filed under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 14.05.2024 (Annexure P-2), effected between the parties.

DETAILS OF CRIMINAL CASE:-

FIR No.	Date	Section(s)	Police Station	District
002	04.01.2023	420 of IPC	Bhawani Khera	Bhiwani, Haryana

2. In the instant compromise quashing petition, on 03.02.2025, following order was passed:-

“The petitioners have filed the present petition under Section 528 of BNSS, 2023 for quashing of FIR No.002, dated 04.01.2023, under Section 420 of IPC, registered at Police



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Station Bhawani Khera, District Bhiwani, Haryana (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of the compromise dated 14.05.2024 (Annexure P-2), effected between the parties.

2. In pursuance to the order dated 23.01.2025 passed by this Court, respondent No.2-complainant, namely, Sunil Kumar, aged about 38 years son of Satbir Singh, has filed a notarized affidavit dated 30.01.2025 in Court today and the same is taken on record. Registry to tag the same at an appropriate place.

3. The affected parties are directed to appear before the learned Trial Court/Illaq Magistrate, on or before 19.02.2025, or any other date convenient to said Court, who shall record their respective statements with regard to the compromise and submit a detailed report in that regard along with copies of the statements to this Court on or before the adjourned date, containing the following information as well:- i. Total number of persons arrayed as accused in the case; ii. Whether all the accused and complainant/victims are party to compromise; iii. Whether any accused has been declared as a proclaimed offender or any such proceedings have been initiated or pending decision; iv. Stage of the trial/proceedings; and (2) v. Whether the compromise is genuine, voluntary, and without any coercion or undue influence.

4. Learned Trial Court/Illaq Magistrate would also give its specific notings in its report regarding the compromising of the matter in its entirety of the dispute and there would not be any other claim ever raised in future by him against irrespective of the parties; such accused is party in the present petition or not.

5. To come up on 20.03.2025, awaiting report.

6. Reply by the respondent-State, if any, be filed on or before the next date of hearing. “

3. Pursuant to the aforementioned order, the parties



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appeared before the Court of learned Chief Judicial Magistrate, Bhiwani, and as per report dated 15.05.2025, submitted to this Court, both the parties have got recorded their respective statements in Court. From the report received from the learned Court below, the following is discernible:-

Sr. No.	Description	
1.	Total number of persons found involved as accused in the dispute/FIR	28
2.	Number of complainant/victim(s)	01
3.	Whether all the accused and complainant / victims are party to compromise & signed the same	No, only complainant Sunil and accused Sanjay Bhatti (through video conferencing) are party to compromise
4.	In case, any affected person (accused or complainant) is left out or not arrayed as party in the quashing petition before High Court, detail whereof; OR	Yes
	His/her statement is still to be recorded, in compliance to the direction of this Court, details of such person	
5.	Whether any accused has been declared as a proclaimed offender/person or any such proceedings against him/her have been initiated or pending adjudication	No
6.	Report of the Court whether compromise is genuine, voluntary, and without any coercion or undue influence	Yes
7.	Any other aspect relevant to the present case.	No

4. On 28.04.2025, following order was passed:-



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“1. From the report forwarded by learned Chief Judicial Magistrate, Bhiwani, it is noticed that there are total 28 accused and compromise has been effected only with one of the accused i.e. petitioner – Sanjay Bhati, only.

2. Counsel for the complainant submits that compromise has, in fact, been effected with respect to the entire dispute. It is further submitted that statement of respondent No.2 can be recorded afresh before the learned Magistrate to this effect. Such a statement would be sufficient for the purpose of seeking quashing of the proceedings arising out of the present FIR, in the event a quashing petition is filed in the future by the remaining 27 accused.

3. Let respondent No.2 – Sunil Kumar, put an appearance before the Court of learned Magistrate **on or before 16.05.2025**, or any other date as convenient to the Court, for the purpose of aforesaid clarification.

However, it is clarified that if the complainant gives any such statement accepting the compromise in its entirety with respect to all 28 accused, the complainant shall also file an affidavit to that effect before the next date of hearing.

5. Let a status report also be filed by the learned State counsel, indicating therein the total number of victims involved in the present case.

6. List again on 16.07.2025, awaiting report.”

5. In compliance with the abovesaid direction issued by this Court, complainant-Sunil Kumar did appear before the Court below and also filed his duly sworn affidavit dated 12.05.2025, stating therein that the dispute between him and all accused persons has been settled and he has no objection if the above-said FIR is quashed against all the 28 accused persons, as he has no claim left against any



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of the accused persons.

6. Learned counsel for the petitioner(s) submits that in view of the report received from the learned Court Below, it is evident that the matter has been resolved and private parties have effected a compromise, and there remains no dispute amongst them requiring any adjudication. Further submits that in view of the compromise so effected between the private parties, pendency of the FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law, and the same may be quashed.

7. Learned State counsel as also learned counsel for private respondent(s), after going through the statements and the report received from learned Court below, very fairly admit that the private parties have resolved their dispute and effected a compromise and that they have no objection if the FIR (supra) and all the consequential proceedings are quashed on the basis of the compromise.

8. Through catena of judgments, Hon'ble the Apex Court and High Courts (including Punjab and Haryana High Court), have culled out various principles of law concerning quashing of proceedings emanating after lodging of FIR, and some of them are as under:-

Power under Section 482 Cr.P.C./Section 528 BNSS can be exercised to enhance social amity, and to reduce friction.

Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 Cr.P.C./Section 528 BNSS in the event of a compromise, but this is not to say that the power is limited to such cases.

There can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 Cr.P.C./Section 528 BNSS "to prevent abuse of the process of any Court" or "to secure the ends of justice".

No embargo, be in the shape of Section 320(9) Cr.P.C./Section 359 BNSS, or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C./Section 528 of the BNSS.

The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour.



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High Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 Cr.P.C./Section 359 BNSS, in order to prevent the abuse of law and to secure the ends of justice.

Power under Section 482 Cr.P.C./Section 528 BNSS is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court.

Such power has no limits. However, the High Court will exercise it sparingly and with utmost care and caution.

The exercise of power has to be with circumspection and restraint.

The Court is a vital and an extra-ordinary effective instrument to maintain and control social order.

The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society.

Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

Matters which can be categorized as personal in nature or where nature of injuries do not exhibit mental depravity or involves commission of an offence of such a serious nature that quashing of FIR would override the public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

In this regard, judgments cited are:

1. **Gian Singh v. State of Punjab and another, (2012) 10 SCC 303 (SC);**
2. **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, (2017) 9 SCC 641 (SC);**
3. **Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834 (SC); and**
4. **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 [P&H FB]**

9. After hearing learned counsel for the parties and going through the material available on record, this Court finds that there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise, so effected between



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the private parties.

10. The report alongwith statements of the affected parties received from learned Court below would reveal that the complainant/victim person(s) has genuinely effected a compromise with the petitioners and he has no objection, if the impugned FIR and consequential proceedings are quashed.

11. Keeping in view the totality of the facts and circumstances of the case, including the report received by this Court and also, taking into consideration the aforementioned settled principles of law, this petition is accepted and **FIR (as detailed in para No. 1 above) and all the consequential proceedings arising therefrom** are hereby quashed *qua* the petitioners, in view of compromise dated 14.05.2024 (Annexure P-2).

12. Petition stands disposed of.

16.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No